

### **REMARKS**

Claims 1-26 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **STATEMENT OF COMMON OWNERSHIP UNDER 35 U.S.C. § 103(c)**

Independent claims 1 and 20 stand rejected under 35 U.S.C. 103(a) in view of Sakagami et al. (U.S. Pub. 2005/0122360). Applicant notes that Sakagami et al. is cited as 35 U.S.C. § 102(e) prior art only. Applicant, through the undersigned representative, makes the following statement as to common ownership to disqualify the reference under 35 U.S.C. 103(c) as prior art:

Application No. 10/802,675 (the present application) and U.S. Pub. No. 2005/0122360 (the cited reference) were each, at the time the invention was made, owned by, or subject to an obligation of assignment to Seiko Epson Corporation.

As further objective evidence regarding common ownership, Applicant notes that the assignment of the present application to Seiko Epson Corporation was recorded on August 2, 2004 at Reel/Frame: 015648/0345 and that the assignment of U.S. Pub. No. 2005/01122360 was recorded on July 26, 2004 at Reel/Frame 015610/0191.

For these reasons, the Sakagami et al. (U.S. Pub. 2005/0122360) reference is disqualified under 25 U.S.C. 103(c) as prior art in rejections under 25 U.S.C. 103(a). See MPEP § 706.02(l)(1) and 706.02(l)(2). For these reasons, claims 1 and 20 are in

condition for allowance and reconsideration and withdrawal of the rejections are respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 8, 15, 16, 18, 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hirano (U.S. Pat. No. 5, 731,826) in view of Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199). This rejection is respectfully traversed.

For the reasons set forth above in the Statement of Common Ownership under 35 U.S.C. § 103(c), Sakagami et al. is disqualified under 25 U.S.C. 103(c) as prior art in rejections under 25 U.S.C. 103(a). For these reasons, claim 1 defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested. With regard to claims 8, 15, 16, 18, and 19, Applicant notes that each either directly or indirectly depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 8, 15, 16, 18, and 19 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199) as applied to Claim 1 above, and further in view of Ishinaga et al. (U.S. Pub. 2002/0149657). This rejection is respectfully traversed.

Claim 2 depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 2 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199) as applied to Claim 1 above, and further in view of Kawamura (U.S. Pat. No. 4,577,203). This rejection is respectfully traversed.

Claim 3 depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 3 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199), as applied to Claim 1 above, and further in view of Noyes et al. (U.S. Pat. No. 6,364,452). These rejections are respectfully traversed.

Claim 4 and 5 ultimately depend from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 4 and 5 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199), as applied to Claim 1 above,

and further in view of Kono et al. (U.S. Pat. No. 6,322,190). This rejection is respectfully traversed.

Claim 6 ultimately depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 6 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199), as applied to Claim 1 above, and further in view Sakagami et al. (U.S. Pub. 2004/023914). This rejection is respectfully traversed.

Claim 7 depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 7 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199), as applied to Claim 1 above, and further in view of Fujii et al. (U.S. Pub. 2001/0007460). These rejections are respectfully traversed.

Claim 9 and 10 ultimately depend from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 9 and 10 also defines over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub.

2005/0122360), Watanabe (U.S. Pat. No. 4,484,199), and Fujii et al. (U.S. Pub. 2001/0007460) as applied to Claim 1 above, and further in view of Shingyohuchi (U.S. Pat. No. 6,811,238). These rejections are respectfully traversed.

Claims 11 and 12 ultimately depend from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 11 and 12 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360), Watanabe (U.S. Pat. No. 4,484,199), and Fujii et al. (U.S. Pub. 2001/0007460) as applied to Claim 1 above, and further in view of Shingyohuchi (U.S. Pat. No. 6,811,238). These rejections are respectfully traversed.

Claim 13 and 14 ultimately depend from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 13 and 14 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360), and Watanabe (U.S. Pat. No. 4,484,199), as applied to Claim 1 above, and further in view of Nojima et al (U.S. Pat. No. 6,168,263). This rejection is respectfully traversed.

Claim 17 depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 17 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 20, 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hirano (U.S. Pat. No. 5, 731,826) in view of Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199). This rejection is respectfully traversed.

For the reasons set forth above in the Statement of Common Ownership under 35 U.S.C. § 103(c), Sakagami et al. is disqualified under 25 U.S.C. 103(c) as prior art in rejections under 25 U.S.C. 103(a). For these reasons, claim 20 defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested. With regard to claims 26, Applicant notes that claim 26 depends from claim 20, which defines over the prior art as discussed in detail above. Therefore, claim 26 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360) and Watanabe (U.S. Pat. No. 4,484,199) as applied to Claim 1 above, and further in view of Ishinaga et al. (U.S. Pub. 2002/0149657). This rejection is respectfully traversed.

Claim 21 depends from claim 20, which defines over the prior art as discussed in detail above. Therefore, claim 21 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360), Watanabe (U.S. Pat. No. 4,484,199) and Ishinaga et al. (U.S. Pub.

2002/0149657), as applied to Claim 1 above, and further in view of Kawamura (U.S. Pat. No. 4,577,203). This rejection is respectfully traversed.

Claim 22 ultimately depends from claim 20, which defines over the prior art as discussed in detail above. Therefore, claim 22 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al (U.S. Pub. 2005/0122360, Watanabe (U.S. Pat. No. 4,484,199) and Ishinaga et al. (U.S. Pub. 2002/0149657) as applied to Claim 1 above, and further in view of Kono et al. (U.S. Pat. No. 6,322,190). This rejection is respectfully traversed.

Claim 23 ultimately depends from claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 23 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub. 2005/0122360), Watanabe (U.S. Pat. No. 4,484,199), Ishinaga et al. (U.S. Pub. 2002/0149657), as applied to Claim 1 above, and further in view Sakagami et al. (U.S. Pub. 2004/023914). This rejection is respectfully traversed.

Claim 24 depends from claim 20, which defines over the prior art as discussed in detail above. Therefore, claim 24 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Pat. No. 5, 731,826) as modified by Sakagami et al. (U.S. Pub.

2005/0122360), Watanabe (U.S. Pat. No. 4,484,199), as applied to Claim 1 above, and further in view of Fujii et al. (U.S. Pub. 2001/0007460), Shingyohuchi (U.S. Pat. No. 6,811,238), and Shingyohuchi (U.S. Pub. 2002/0036667). This rejection is respectfully traversed.

Claim 25 depends from claim 20, which defines over the prior art as discussed in detail above. Therefore, claim 25 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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